



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental
Protection

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Edmund G. Brown, Jr.
Governor

Notice of Public Meeting/Hearing

Thursday, June 2, 2011
9:00 a.m.
Meeting Location:

The Metropolitan Water District
of Southern California
700 North Alameda Street
Los Angeles, California

Agenda

The Regional Board strives to conduct an accessible, orderly, and fair meeting. During the meeting, the Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Regional Board meeting procedures is included after the last agenda item.

To ensure a fair hearing and that the Regional Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer **not later than 5:00 p.m. on May 23, 2011. Please consult the agenda description for specific items, because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the hearing record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.**

INTRODUCTORY ITEMS

- 1.a. **Roll Call.**
- 1.b. **Order of Agenda.** The agenda items are numbered for identification purposes only and may not necessarily be considered in this order.
- 1.c. **Approval of draft meeting Minutes for the May 5, 2011 Board meeting.**
[Ronji Moffett, (213) 576-6612]
2. **Board Member Communications.**
 - 2.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
 - 2.b. Board Member Reports. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.
- 3.a. **Executive Officer's Report.**
[Sam Unger, (213) 576-6605]
- 3.b. **Enforcement Report** [Paula Rasmussen, (213) 576-6791]

- 3.c. **Update from State Board.** [Fran Spivy-Weber]
3.d. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction provided the matter does not appear elsewhere on this agenda, has not been scheduled to appear on a future agenda, and is not expected to be imminently scheduled for the Board's consideration. Remarks will be limited to three (3) minutes, unless otherwise directed by the Chair. If a person intends to use a PowerPoint presentation or other visual aid, you must contact Ronji Moffett, (213) 576-6612, at the Regional Board at least 48 hours prior to the meeting to arrange for equipment use and be prepared to load any PowerPoint presentation on the computer prior to the meeting to assure the orderly conduct of the meeting.

UNCONTESTED ITEMS

(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any Board member or person may request that an item be removed from the uncontested calendar. The Chair will determine the appropriate time to consider an item removed from the consent calendar.)

Waste Discharge Requirements that Serve as NPDES Permits

Renewal and Time Schedule Order-

- *4. Consideration of tentative Waste Discharge Requirements and concurrent Time Schedule Order for SFPP, LP (Norwalk Pump Station), Norwalk; NPDES No. CA0063509 (Comment submittal deadline was April 15, 2011) [Mazhar Ali, (213) 576-6652]

4.1 Waste Discharge Requirements

4.2 Time Schedule Order

Renewal-

- *5. Equilon Enterprises, LLC, Mormon Island Marine Terminal Facility, Wilmington; NPDES No. CA0003557 (Comment submittal deadline was May 5, 2011) [Gensen Kai, (213) 576-6651]

Amendment-

- *6. Consideration of Waste Discharge Requirements amending Pretreatment Program for City of Simi Valley (Simi Valley Water Quality Control Plant), Simi Valley; NPDES No. CA0055221 (Comment submittal deadline was May 12, 2011) [Raul Medina, (213) 620-2160]

Non-NPDES State Discharge Requirements

Termination -

- *7. Termination of Waste Discharge Requirements Order No. R4-2004-0055, American Remedial Technologies, Lynwood; Facility ID No. 4B190367002. (Comment submittal deadline was May 13, 2011) [Enrique Casas, (213) 620-2299]
- *8. Termination of Waste Discharge Requirements Order No. 96-100, ConocoPhillips Los Angeles Refinery Land Treatment Units, Wilmington; Facility ID No. 4B192131028. (Comment submittal deadline was May 13, 2011) [Enrique Casas, (213) 620-2299]
- *9. Termination of Waste Discharge Requirements (WDR) Order Nos. 01-056 and R4-2004-0156 for United States Navy, Navel Base Ventura County, Port Hueneme.(Comment submittal deadline was April 23, 2011) [Eric Wu, (213) 576-6683]

ACTION ITEMS

Waste Discharge Requirements that Serve as NPDES Permits

Renewal and Time Schedule Order-

10. Consideration of tentative Waste Discharge Requirements and concurrent Time Schedule Order for Kinder Morgan Liquids Terminals, LLC (Carson Terminal), Carson; NPDES No. CA0056863 (Comment submittal deadline was April 29, 2011) [Jau Ren Chen, (213) 576-6656]

10.1 Waste Discharge Requirements

10.2 Time Schedule Order

PANEL HEARING RECOMMENDATION

11. Consideration of Complaint No. R4-2008-0199-M to assess Mandatory Minimum Penalties in the amount of \$675,000 pursuant to California Water Code §§ 13385, subdivision (h), and 13385.1 against Casden Properties, LLC for violations of its waste discharge requirements contained in Order Nos. R4-2003-0111 and R4-2008-0032. (A hearing was held before a panel of the Regional Board on March 17, 2011. The Hearing Panel will provide a report to the full Board and recommend a penalty in the amount of \$675,000 in this matter. No further evidence will be allowed, unless the Regional Board determines it is necessary. The Board may meet in closed session to deliberate pursuant to Government Code section 11123(c) (3)). [Lori Okun (916) 341-5165] **(This item was continued from the May 5, 2011 meeting.)**
12. Consideration of Complaint No. R4-2010-0169-M to assess Mandatory Minimum Penalties in the amount of \$63,000 pursuant to California Water Code §§ 13385, subdivisions (h) and (i), and 13385.1 against the Port of Los Angeles (New Dock Street Pump Station) for violations of its waste discharge requirements contained in Order Nos. 97-138 and R4-2006-0086. (A hearing was held before a panel of the Regional Board on March 17, 2011. The Hearing Panel will provide a report to the full Board and recommend a penalty in the amount of \$42,000 in this matter. No further evidence will be allowed, unless the Regional Board determines it is necessary. The Board may meet in closed session to deliberate pursuant to Government Code section 11123(c) (3)). [Jennifer Fordyce, (916) 324-6682]
13. Consideration of Complaint No. R4-2010-0023 to assess Administrative Civil Liability in the amount of \$35,700, as well as additional liability for continuing violations, against Balcom Ranch for violation of California Water Code § 13260 for failure to submit a Notice of Intent to comply with the Regional Board's Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region, Order Nos. R4-2005-0080 and R4-2010-0186 or, alternatively, for failure to submit a report of waste discharge, when so requested by the Regional Board. (A hearing was held before a panel of the Regional Board on March 17, 2011. The Hearing Panel will provide a report to the full Board and recommend a penalty in the amount of \$180,500 in this matter. No further evidence will be allowed, unless the Regional Board determines it is necessary. The Board may meet in closed session to deliberate pursuant to Government Code section 11123(c)(3)). [Lori Okun (916) 341-5165] **(This item has been continued to the July 14, 2011 meeting.)**

INFORMATION

(These matters are for information purposes only, and no voting will take place on these matters.)

14. Update on Implementation of the State Water Resources Control Board's Policy on Supplemental Environmental Projects. [Kristie Kao, (213) 620-6368]
15. Update on Implementation of the Los Angeles River and Ballona Creek Metals TMDLs [Jenny Newman, (213) 576-6691].
16. Update on the status of implementation activities for the Upper Santa Clara River Chloride TMDL. [Jenny Newman, (213) 576-6691].

CLOSED SESSION

17. As authorized by the Government Code section 11126, the Regional Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the following: [Jennifer Fordyce (JF) (916) 324-6682; Frances McChesney (FM) (916) 341-5174; Sarah Olinger (SO), (916) 322-4142]
 - 17.1 *State Department of Finance, State Water Resources Control Board and Los Angeles Regional Water Quality Control Board v. Commission on State Mandates*, Los Angeles County Superior Court Case No. BS130730. [Challenging the Commission's decision that portions of the LA MS4 permit created unfunded State mandates]. (JF)

- 17.2 *In re Halaco Engineering Company*, United States Bankruptcy Court, Central District of California, Northern Division, No. ND-02-12255 RR [Regarding a CDO and CAO at the Oxnard Property]. (JF)
- 17.3 *Cities of Arcadia et al. v. Los Angeles Regional Water Quality Control Board*, California Court of Appeal, No. G041545. [Challenging the 2004 Triennial Review]. (JF)
- 17.4 *In re: Petition of City of Redondo Beach for Review of Administrative Civil Liability Order No. R4-2008-0058-M, SWRCB/OCC File A-2124* [challenging assessment of mandatory minimum penalties for violations of Order Nos. 99-057 and R4-2005-0016]. (FM)
- 17.5 *County of Los Angeles et al v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board*, Los Angeles County Superior Court, Case No. BS122724 [Challenging the incorporation into the MS4 Permit of the Waste Load Allocations from the Santa Monica Bay Beaches Bacterial TMDL]. (JF)
- 17.6 *Request for Own Motion Review of Heal the Bay, Natural Resources Defense Council, and Santa Monica Baykeeper, SWRCB/OCC File A-2141* [Challenging the Amendment dated October 19, 2010 to the Los Angeles County MS4 Permit pursuant to the Peremptory Writ of Mandate in Los Angeles Superior Court Case No. BS122724.] (JF)
- 17.7 *In re: Petition of Heal the Bay, Natural Resources Defense Council, and Santa Monica Baykeeper, SWRCB/OCC File A-2145* [Challenging the Regional Board's failure to amend the Los Angeles County MS4 Permit to comply with waste load allocations and failure to revoke the Executive Officer's Action of October 19, 2010]. (JF)
- 17.8 *In re: Petition of Signal Hill, Downey, et al, for Review of Order No. R4-2009-0130, SWRCB/OCC File A-2071* [Challenging the incorporation into the MS4 Permit of the Waste Load Allocations from the Los Angeles River Watershed Trash TMDL.] (JF)
- 17.9 *In re: Kinder Morgan, Inc., Chevron Corp., et al for Review of Revised Cleanup and Abatement Order No. R4-2008-0006, SWRCB/OCC File A-2085* [Challenging the revised cleanup goals in the order]. (FM)
- 17.10 *In re: Petition of Heal the Bay for Review of Order No. R4-2008-0011, SWRCB/OCC File A-1927(a)* [Challenging waste discharge requirements for the City of San Buenaventura, Ventura Water Reclamation Facility]. (JF)
- 17.11 *In re: Upper Santa Clara River Chloride Total Maximum Daily Load Requirements Imposed by the Los Angeles Regional Water Quality Control Board in Resolution R4-2008-0012.* Commission on State Mandates Test Claim No. 10-TC-09 [Regarding a test claim filed by the Santa Clarita Valley Sanitation District of Los Angeles County alleging that portions of Resolution R4-2008-0012 created an unfunded state mandate]. (JF)
- 17.12 Consultation with counsel about:
- (a) A judicial or administrative adjudicatory proceeding that has been formally initiated to which the Regional Board is a party;
 - (b) A matter that, based on existing facts and circumstances, presents significant exposure to litigation against the Regional Board;
 - (c) A matter which, based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation. (JF/FM)
- 17.13 Consideration of the appointment, employment, or evaluation of performance about a public employee. (JF/FM/SO)
18. **Adjournment of Current Meeting.** The next meeting will be held on July 14, 2011 beginning at 9:00 a.m. at the Metropolitan Water District of Southern California, located at 700 North Alameda Street, Los Angeles, California.

NOTICE

Ex Parte Communications: An ex parte communication is a communication to a board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for them to respond. The California Government Code prohibits the board members from engaging in ex parte communications during permitting, enforcement, and other “quasi-adjudicatory” matters. The Regional Board discourages ex parte communications during rulemaking and other “quasi-legislative” proceedings. The ex parte rules are intended to provide fairness, and to ensure that the board’s decisions are transparent, based on the evidence in the administrative record, and that evidence is used only if stakeholders have had the opportunity to hear and respond to it. Ex parte rules do not prevent anyone from providing information to the water boards or requesting that the water boards take a particular action. They simply require that the information come into the record through proper channels during a duly noticed, public meeting. A board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the ex parte questions and answers document found at www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf

Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Generally, speakers are allowed three minutes for comments. Any requests for an alternate hearing process, such as requesting additional time to make a presentation, should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting. The provisions of this paragraph shall be deemed superseded to the extent that they are contradicted by a hearing notice specific to a particular agenda item.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) **must be received prior to the relevant deadline** established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs. tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

Accessibility: Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or drenick@waterboards.ca.gov at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday

through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

Challenging Regional Board Actions: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Phil Wyels, Assistant Chief Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

Electronic Information and Updates: Our web site address is www.waterboards.ca.gov/losangeles/. The site can also be accessed through the State Water Resources Control Board's web site at www.waterboards.ca.gov/, then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.

Pending Water Quality Certifications: A listing of pending water quality certification applications currently on public notice pursuant to Section 401 of the Federal Clean Water Act may be obtained by calling Valerie Carrillo at (213) 576-6759.

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Settlement of Enforcement Actions: A listing of settlement enforcement actions can be accessed by the following link: <http://www.waterboards.ca.gov/enforcement/index.html>
